

DEPARTMENT OF STATE INSTRUCTION

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INFO SUBJECT: Law of Sea

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TO: ALL ARA DIPLOMATIC POSTS EXCEPT MEXICO

The following for the Embassy's information is the text of an airgram sent to Embassy Mexico in response to certain questions which arose in connection with discussion on the law of the sea.

"In further conversations Law Sea following points should be kept in mind:

1) Reference Tello's statement law of sea can be settled only for time of peace and not for time of war. A narrow breadth territorial sea is highly important for free world security during short-of-war situations and limited wars while there is a possibility of restraining aggression, of preventing spread of the conflict into global war, and of preventing important advantages to an aggressor in case an all-out conflict becomes inevitable. Based on experience since the Second World War the United States considers that the likelihood is great that in the future there will continue to be localized short-of-war situations and limited wars as part of communist aggressive tactics. Even in all-out war, the world community would consider any agreed rule of international law on the breadth of territorial sea applicable, and neutrals would expect their territorial sea to be respected. (Further details being sent by Navy to ALUSNA.)

2) Reference Tello's comment that all the nations of the Western Hemisphere are bound together to act in event of war by the provisions of the Inter-American Treaty of Reciprocal Assistance (Rio Treaty). The U. S. would assume that all the American States, in accordance with the Rio Treaty obligations and under the spirit of inter-American solidarity and cooperation expressed therein, would act together in the interest of security and peace of the hemisphere.

3) In order to maintain the high degree of naval and air mobility of free world forces to prevent the spread of local conflicts or

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disturbances in other areas of the world to this hemisphere, it is extremely important that there be general acceptance of a narrow breadth of territorial seas as a rule of international law. In any all-out war it is likely that there will be neutrals in other areas of the world, and to the extent that there are neutral states, hemisphere security interests require that these states be surrounded by a narrow breadth of territorial sea. The security interests of all American States, in the U. S. view, are, therefore, served by a narrow breadth of territorial sea, and the U. S. for its part believes itself better able to carry out its own obligations under the Rio Treaty with a narrow breadth of territorial sea an agreed rule of international law. Agreement on a flexible breadth of territorial sea, or on a broad territorial sea, or even lack of agreement will assuredly result in further extensions by countries outside this hemisphere seriously damaging the security interests of the Western Hemisphere countries. Support of most of the Latin American States at the Conference in favor of a narrow territorial sea is needed to forestall these extensions in other areas of the world and to bring about agreement at the Conference in accord with the security interests of the Hemisphere.

4) Fisheries interests of coastal states can be satisfied through measures other than fixing the breadth of territorial sea. The U. S. is making every effort to find a formula on a contiguous fishing zone which can be agreed upon at the Conference.

5) The U. S. is deeply conscious of its role related to the defense of the free world and particularly of the Western Hemisphere, a role which it believes is generally understood to be in the interest of all American states, and the U. S. is impelled to emphasize in strongest possible terms to its friends and allies the need to cooperate in achieving agreement on a narrow breadth of territorial sea at the coming conference."

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